

REMARKS

Claims 1, 18-21, 72-84 and 109-131 are pending in this patent application. Reconsideration of the rejections in view of the remarks below is requested.

This is the **eighth** Office Action on the merits for this application, the first being issued about 4-1/2 years ago. Applicant submits that this application has been thoroughly examined and expects immediate allowance of this application. If there is anything that is preventing allowance of this application, Applicant kindly urges the Examiner to contact the undersigned immediately to work out how the application can be put into form for allowance. Applicant is concerned about such extended and piecemeal examination at least because it significantly impacts Applicant's patent term.

**Rejection under 35 U.S.C. §102 in view of Sudia**

The Office Action rejected claims 1, 18-21, 72-84 and 109-131 under 35 U.S.C. §102(b) as being unpatentable over European patent no. 0771499 to Sudia et al. ("Sudia"). Applicant respectfully traverses the rejection, without prejudice.

Applicant submits that Sudia is not proper prior art. Sudia is the national stage of International Patent Application No. PCT/US95/09076, filed July 19, 1995, which claimed priority / benefit to U.S. Patent Application No. 08/277,438, filed July 19, 1994. See the cover page of Sudia.

Similarly, the present application is a continuation application of U.S. Patent Application No. 08/786,046, filed January 21, 1997, which was a continuation application of International Patent Application No. PCT/US95/09076, filed July 19, 1995, which was a continuation-in-part application of U.S. Patent Application No. 08/277,438, filed July 19, 1994. See, for example, the first page of the specification of the present application (as amended in the Amendment filed June 9, 2004). See also, for example, the application documents as originally filed with the present application on June 1, 2001, a copy of which is enclosed.

Thus, except for the intervening U.S. continuation patent application no. 08/786,046 in this application, the present application and Sudia have all the same earliest priority dates. They both at least are a continuing application of or claim priority to International Patent Application No. PCT/US95/09076, filed July 19, 1995 and U.S. Patent Application No. 08/277,438, filed July 19, 1994. Therefore, Sudia cannot be proper prior art as it does not

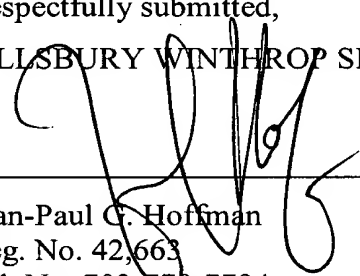
have a date under 35 U.S.C. §102 earlier than the priority dates of the present application. Indeed, the present application and Sudia share substantially identical disclosures - the disclosure of International Patent Application No. PCT/US95/09076 to which both Sudia and the present application claim benefit / priority to its filing date.

Therefore, for at least the above reasons, Sudia is not proper prior art. As a result, Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) of claims 1, 18-21, 72-84 and 109-131 based on Sudia should be withdrawn and the claims be allowed.

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. If questions relating to patentability remain, the Examiner is invited to contact the undersigned to discuss them.

Should any fees be due, please charge them to our deposit account no. 03-3975, under our order no. 061047/0264493. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced deposit account.

Respectfully submitted,  
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